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Serial No. 09/911,996

19361-495600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Markus Cech, et al. : Group Art Unit: 2833
Serial No. 09/911,996 : Examiner: J. Harvey
Filed: July 24, 2001 : Response to Paper No. 4
For PLUG-AND-SOCKET CONNECTOR ELEMENT

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RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. 121

Assistant Commissioner for Patents,
Washington, DC 20231

S I R:

This is in response to the Office Action dated July 3, 2002. Claims 1-18 remain pending in the present application.

Restriction has been required between (I) claims 1-9, drawn to a plug and socket connector and (II) claims 10-18, drawn to a connector fitting part. This restriction requirement is respectfully traversed.

The Examiner has stated that the combination as claimed does not require the particulars of the subcombination as claimed because an actuation mechanism provided for the latch element and the latch element being integrated into the expandable portion of the side wall is not required in the combination. The Examiner has further stated that the subcombination has

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separate utility, such as an optical connector fitting part or a battery pack fitting part.

The Examiner states that restriction is proper because the inventions are distinct and require divergent fields of search. However, applicant respectfully traverses this restriction requirement on the basis that the requisite serious burden on the Examiner set forth in MPEP § 803 does not appear to exist. It is noted that the separate classifications asserted by the Examiner are simply two subclasses in the same class. Although the classifications may differ, applicant believes that the two inventions are so closely related that the field of search necessary to properly search either invention would encompass the other invention as well. Because a different field of search is not required, there is no serious burden as required by MPEP § 803.

Therefore, reconsideration and withdrawal of the restriction requirement is respectfully requested.

Applicant provisionally elects Group I, claims 1-9 for further prosecution. The remaining claims will be retained pending resolution of the traversal.

An action on the merits is awaited.

Respectfully submitted,

August 19, 2002
Date

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